

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 21 2009

PATENT OPERATIONS

In re Application of:

Gianpiero Mastinu et al.

Group Art Unit: 2855

Serial No.: 10/565,338

Examiner: Noori, Max H.

Filed: May 22, 2006

For: DEVICE AND METHOD FOR MEASURING FORCES AND MOMENTS

New York, NY 10036
January 21, 2009Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450PETITION TO REVIVE UNDER 37 CFR§1.137(b)

Sir:

It is requested that the above identified application be revived as a pending application because the abandonment was unavoidable. The abandonment was discovered by the undersigned shortly after January 12, 2009 when a Notice of Abandonment was received from the Patent and Trademark Office. The Notice of Abandonment was mailed on January 9, 2009.

Hedman & Costigan, maintains a Logbook where all mail that is received from the Patent and Trademark Office is recorded as it is received. Authentic copies of the Logbook pages which show the receipt of mail for the PTO for the period starting from the day the Notice of Non-Compliant Amendment was mailed from the PTO on May 16, 2008 to May 30, 2008 are attached to this Petition. The pages have been numbered 1-11 in connection with the preparation of this Petition. There is no record in the Logbook of the receipt of the Notice of Non-Compliant Amendment that was mailed May 16, 2008. Also attached are copies of the Hedman & Costigan Docket Book pages from June 16, 2008 to June 30, 2008 which show that there was no due date recorded for a Notice of Non-Compliant Amendment for the above identified application. The

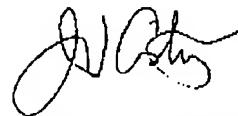
pages have been numbered 1-21 in connection with the preparation of this Petition. It is the procedure at Hedman & Costigan that all PTO mail is first handled by the clerical personnel who are assigned to maintain the Logbook and the Docket Book before transmitting the PTO mail to the Hedman & Costigan attorneys.

The case file also shows no indication that the Notice of Non-Compliant Amendment was received prior to the receipt of the Notice of Abandonment. The absence of a recorded entry in the Logbook of the receipt of the Notice of Non-Compliant Amendment from the PTO and the recording of a response date in Docket Book is persuasive that the Notice of Non-Compliant Amendment was lost in the mails and was not received by the undersigned thus causing the unavoidable abandonment of the above identified application.

For these reasons, it is requested that the above identified application be revived as a pending application. A copy of a responsive Amendment to the Notice of Non-Compliant Amendment is attached to this Petition.

Authorization is given to charge to Deposit Account No. 08-1540 for any required fee.

Respectfully submitted,



James V. Costigan
Registration No.: 25,669

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1185 Avenue of the Americas
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(212) 302-8989

Friday, May 16, 2008

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<u>Date</u>	<u>PTO Ref No.</u>	<u>PTO Office Documents</u>	<u>Due Date</u>
5/15/08	PCT 2008/005189	Notification Concerning Payment of Prescribed Fees	
5/1/08	PCT US2008/060484	Notification Concerning Submission or Transmittal of Priority Document	
4/30/08	PCTUS2008/060484	Notification Of Receipt of Record Copy	
5/14/08	11/985,935	Rej-ST-1 month	
5/13/08	11/429,871	Rej-ST-2 months plus Refs	
5/13/08	79/048,498	Rej-ST- 6 months	
5/13/08	77/198,260	Notice of Allowance	
5/13/08	77/198,249	Notice of Allowance	
5/13/08	77/183,442	Notice of Allowance	
5/13/08	78/930,140	Notice of Acceptance of Statement of Use	
5/13/08	US D568,963 S	Soft Copies	
5/15/08	91181516	(E) Communication	
5/15/08	25879447	(E) Received your combined Declaration of Use and Incontestability Under Section 8 and 15	

Monday, May 19, 2008

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<u>Date</u>	<u>PTO Ref No.</u>	<u>PTO Office Documents</u>	<u>Due Date</u>
5/14/08	12/150,869	Notice of Recordation of Assignment Document	
5/8/08	11/800,120	Notice of Publication of Application	
5/8/08	12/004,747	Notice of Publication of Application	
5/8/08	12/005,243	Notice of Publication of Application	
5/16/08	10/462,099	Advisory Action Before the Filing of an Appeal Brief	
5/16/08	10/518,070	Rej-st-3mos plus refs	
5/13/08	10/726,024	Rej-st-3mos plus refs	
5/9/08	10/945,295	Rej-st-3mos plus refs	
5/15/08	11/327,628	Final Rej-st-3mos plus refs	
5/13/08	11/199,107	Determination of Patent Term Adjustment under 35 USC154b	
5/13/08	11/199,107	Notice of Allowance and Fee(s) Due	
5/13/08	US 7,371,703 B2	Soft Copies (2)	
5/16/08	US D568,963 S	Soft Copies (2)	
4/28/08	6,805,210	Maintenance Fee Reminder	
4/28/08	6,806,394	Maintenance Fee Reminder	
4/28/08	5,567,217	Maintenance Fee Reminder	
5/1/08	6,805,210	Maintenance Fee Statement	
5/5/08	6,715,577	Notice of Patent Expiration	
5/9/08	2,176,162	Notice of Acceptance/ Notice of Renewal	
5/9/08	2,581,052	Notice of Acceptance/ Notice of Acknowledgement	
5/8/08	10/598,344	Notice of New or Revised Projected Publication Date	

Tuesday May 20 2008

<u>Date</u>	<u>PTO Ref No.</u>	<u>PTO Office Documents</u>	<u>Due Date</u>
		<u>NO PTO MAIL</u>	

Wednesday May 21 2008

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<u>Date</u>	<u>PTO Ref No.</u>	<u>PTO Office Documents</u>	<u>Due Date</u>
5/16/08	12/150,672	Notice or Recordation of Assignment Document	
5/16/08	79/044,966	Rejection ST 6 months	
5/19/08	5,820,503	Decision on Petitions	
5/15/08	91181516	Communication	
5/16/08	79/035,981	Communication	
5/19/08	10/498,431	Notice of Allowance and Fee(s) Due	
5/19/08	11/512,564	Notice of Allowance and Fee(s) Due	
5/20/08	76/345,104	(E) Motion to Extend the Time to File appeal Brief	
5/20/08	78/517,444	(E) Trademark/Service Extension of Time	

Thursday May 22, 2008

<u>Date</u>	<u>PTO Ref No.</u>	<u>PTO Office Documents</u>	<u>Due Date</u>
5/20/08	61/123,628	Filing Receipt	
5/7/08	PCT/US2008/004324	Notification Concerning Submission or Transmittal of Priority Document	
5/6/08	PCv/US2008/004324	Notification of Receipt of Record Copy	
5/15/08	11/793,250	Notice of Publication of Application	
5/20/08	11/304,095	Rej-ST-3 months plus Refs	
5/20/08	11/032,752	Communication	
5/15/08	77/203,534	Extension of time to Oppose	
5/15/08	77/236,467	Extension of Time to Oppose	
5/20/08	10/547,139	Notice of Abandonment	
5/20/08	29/232,134	Certificate of Correction	
5/20/08	US 7,375,451 B2	Letters Patent	
5/20/08	US D569,267 S	Letters Patent	
5/22/08	77/014,753	(E) Revocation of Attorney/Domestic Representative and or Appointed of Attorney/Domestic Representative	
5/22/08	77/014,753	(E) Trademark/Service Mark Allegation of Use	
5/22/08	77/481,488	(E) Filing Receipt	
5/22/08	77/481,709	(E) Filing Receipt	
5/22/08	77/481,376	(E) Filing Receipt	
5/22/08	2,165,321	(E) Filing Receipt	

Friday May 23, 2008

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